

Atty Docket No. 41170-149

**REMARKS*****I. Amendment to the Claims***

The foregoing amendment to the claims is made to more clearly show that each combination, as claimed, requires all the limitations of the subcombination as claimed.

***II. Traversal of Restriction With Provisional Election***

For the reasons discussed below, applicant traverses the restriction requirement while hereby provisionally electing Examiner designated Group I.

The Examiner has restricted the claims directed to the combination invention, the mounting hook and wire array, from the subcombination invention, the mounting hook alone. The Examiner asserts that such a restriction is proper under MPEP §806.05(c). However, the combination recited in Claim No. 24 sets forth the details of the subcombination as separately claimed in Claim No. 1. Similarly, the combination recited in Claim No. 11 sets forth the details of the subcombination as separately claimed in Claim No. 10. This is precisely the example provided in MPEP §806.05(c)(I) in which it is concluded that the "inventions are not distinct and a requirement for restriction must not be made or maintained, even if the subcombination has separate utility." Accordingly, applicant submits that the restriction is improper because, when the claims are properly evaluated in accordance with MPEP §806.05(c)(I), there is no evidence that the combination is patentable without the details of the subcombination. Therefore, Applicant submits that the restriction requirement should not be maintained.

To further support applicant's position that the restriction should not be maintained, applicant has amended Claim No. 9 to make it dependent on Claim No. 1. By making this

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amendment, it is clear that the "combination *as claimed* sets forth the details of the subcombination *as separately claimed*," just as with the example provided in MPEP §806.05(c)(I).

### **III. Conclusion**

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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